

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JERMAINE S. EWING,

Petitioner,

v.

IAN WALLACE,

Respondent.

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No. 4:12CV1201 AGF

MEMORANDUM AND ORDER

This matter is before the Court for review of petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition for habeas relief has not been filed on a court-provided form. Both this Court's Local Rule 2.06(A) and Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts give this Court the authority to order petitioner to amend his petition by filing it on a court-provided form. Because the manner in which the instant petition is drafted makes it difficult to review, the Court will order petitioner to amend it using the court-provided form.

Additionally, the Court notes that petitioner has neither paid the \$5 filing fee nor filed a motion to proceed in forma pauperis. As a result, the Court will order petitioner to either pay the filing fee or submit a motion to proceed in forma pauperis and financial affidavit within thirty (30) days of the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall forward to petitioner, with a copy of this Memorandum and Order, the form for filing a "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody."

IT IS FURTHER ORDERED that petitioner shall complete the form and return it within thirty (30) days from the date of this order.

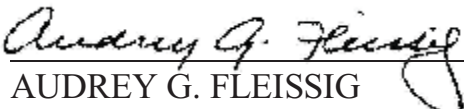
IT IS FURTHER ORDERED that upon petitioner's filing of the form petition, the Clerk shall resubmit this matter to the Court for review pursuant to Rule 4 of the Rules Governing § 2254 Cases.

IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a copy of the Court's form "Motion to Proceed In Forma Pauperis and Affidavit in Support – Habeas Cases."

IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the date of this order to pay the statutory filing fee of \$5, or to submit a completed form "Motion to Proceed In Forma Pauperis and Affidavit in Support – Habeas Cases."

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court may dismiss this action without prejudice.

Dated this 20th day of July, 2012.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE